IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 24499 of 2005(N)

PETITIONER:

K.SARASWATHY,W/O.LATE V.P.VIJAYARAGHAVAN
THACHARAZHIKATH HOUSE,P.O.EZHUKONE,
KOLLAM.

BY ADV. SRI.M.C.JOHN.

RESPONDENTS:
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1. **THE DIRECTOR,GENERAL EDUCATION DEPARTMENT,THIRUVANANTHAPURAM.**
2. **THE DEPUTY DIRECTOR OF EDUCATION, KOLLAM.**

BY GOVERNMENT PLEADER SRI. R. LAKSHMINARAYAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.24499/2005:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE JUDGMENT DTD. 04/12/1989 IN O.P. 8240/1989.

EXT.P.2: COPY OF THE JUDGMENT DTD. 28/01/2003 IN O.P. NO. 23689/2000.

EXT.P.3: COPY OF THE ENQUIRY REPORT CONDUCTED BY THE DISTRICT EDUCATIONAL OFFICER, PUNALUR.

EXT.P.4: COPY OF THE PROCEEDINGS OF THE R.2. NO. A7-9548/2003/K. DIS. DTD. 02/04/2004.

EXT.P.5: COPY OF THE COMMUNICATION DTD. 24/08/2004 FROM THE R.2.

EXT.P.6: COPY OF THE APPEAL PETITION DTD. 04/03/2005.

EXT.P.7: COPY OF THE COMMUNICATION DTD. 23/07/2005 NO. A7-4836/2005/VG OF THE R.2.

EXT.P.8: COPY OF THE COMMUNICATION DTD. 20/09/2006 ISSUED BY THE ACCOUNTANT GENERAL TO THE R.2.

EXT.P.9: COPY OF THE N.L.C. DTD. 14/11/2006 ISSUED BY THE HEADMISTRES, GOVERNMENT H.S., VALIYAKAVU.

EXT.P.10: COPY OF THE LETTER NO. G3.05/06 DTD. 16/02/2006 RECEIVED FROM RESPONDENTS.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 24499 OF 2005-N

JUDGMENT

The petitioner was a Peon in the General Education Department. She was appointed on 13.8.1982 and she retired from service on 31.12.2004. On the allegation of unauthorised absence from 15.1.1996 onwards, she was suspended from service on 15.4.2000. Later, as per the direction of this Court in Ext.P2 judgment dated 28.1.2003, she was reinstated in service on 16.6.2003. Later, the disciplinary proceedings against her were finalised as per Ext.P4 proceedings of the Deputy Director dated 2.4.2004, by imposing a punishment of censure. She has been paid only provisional pension, though she retired from service on 31.12.2004. She prays for release of full pension and also the D.C.R.G payable to her.

2. The respondents have filed a counter affidavit, explaining the reason for the delay in releasing the benefits to her. In the said affidavit, the respondents have not stated that when her claim will be finalised and the amounts due to her will be released.

3. Going by Ext.P8, the D.C.R.G amount of Rs.32,100/- has been admitted by the office of the Accountant General. But, the petitioner relying

on Ext.P10 communication of her Headmistress, submits that she is entitled to get an amount of Rs.48,169/- as D.C.R.G and Rs.1275/- as monthly pension. Having regard to the facts of the case, the respondents are directed to settle the claim of the petitioner for pension and gratuity within two months from the date of production of a copy of this judgment. The D.C.R.G amount admitted as per Ext.P8, if so far not paid, shall be released to the petitioner within one month from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

5th October, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/